IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.(Currently Amended) A recording method for recording a user data stream on a dual layer recordable disk having a first layer and a second layer, the method comprising an act of performing an Optimum Power Control (OPC) procedure for determining an actual optimum writing power, said Optimum Power Control procedure being performed in variably located OPC-areas on the disk that are variably located on the first layer and the second layer, at least one of the variably located OPC-areas is positioned on the first or second layer and located relatively close to a radius where the user data stream switches from the first layer to the second layer, wherein a first user data area extends from a lead-in zone of the first layer to a radius R1 of the of the first layer, and a first middle zone and a second user data area extends beyond radius R1 of the first layer, and a third user data area extends from a lead out zone to a second radius R2 in the second layer, and a second middle zone and a fourth user data area extends beyond radius R2, wherein approximately half of the user data stream is written to each of the first and third user data areas, and substantially none of the user data stream is written to the second and fourth user data

areas, and at least one OPC-area is in at least one of the first middle zone and the second

middle zone.

2.(Currently Amended) The recording method as claimed in claim 1, wherein a

location of the at least one of the variably located OPC-areas depends on ~~the~~ an amount of

~~information~~ the user data stream to be recorded on the disk.

Claim 3 (Canceled)

4.(Previously Presented) The recording method as claimed in claim 1, comprising a

further step of performing a further Optimum Power Control (OPC) procedure, said further

Optimum Power Control procedure being performed in a further OPC-area located at a

fixed position on at least one of the layers of the dual layer disk and reserved for use by the

further Optimum Power Control procedure.

5.(Previously Presented) The recording method as claimed in claim 4, wherein the

further Optimum Power Control procedure is performed in a first fixed OPC-area located on

the first layer and in a second fixed OPC-area located on the second layer.

6.(Currently Amended) A recording device for recording a user data stream on a

dual layer recordable disk having a first layer and a second layer, the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining

an actual optimum writing power, said Optimum Power Control procedure being performed

in variably located OPC-areas on the disk that are variably located on the first layer and the

second layer, at least one of the variably located OPC-areas is positioned on the second

layer and located relatively close to a radius where the user data stream switches from the

first layer to the second layer; and

means for writing the user data stream on the dual layer ~~disc~~ disk using the

determined optimum writing power,

wherein a first user data area extends from a lead-in zone of the first layer to a

radius R1 of the of the first layer, and a first middle zone and a second user data area

extends beyond radius R1 of the first layer, and a third user data area extends from a lead

out zone to a second radius R2 in the second layer, and a second middle zone and a fourth

user data area extends beyond radius R2, wherein approximately half of the user data

stream is written to each of the first and third user data areas, and substantially none of the

user data stream is written to the second and fourth user data areas, and at least one OPC-

area is in at least one of the first middle zone and the second middle zone.

Claims 7-20 (Canceled)

21.(Currently Amended) A recording method for recording a <u>user</u> data stream on a

dual layer recordable disk having a first layer and a second layer, a lead-in zone, a <u>user</u>

data area for recording user data and a lead-out zone, the method comprising an act of

performing an Optimum Power Control (OPC) procedure for determining an actual optimum

writing power, said Optimum Power Control procedure being performed in an OPC-area in

<u>a middle zone that separates</u> the <u>user</u> data area <u>into a first user data area and a second</u>

<u>user data area</u>, the <u>a</u> location of the ~~OPC-area in the data area~~ <u>middle zone</u> depending on

an amount of data in the <u>user</u> data stream to be written on the ~~disc~~ <u>disk, wherein the first</u>

<u>user data area extends from the lead-in zone of the first layer to the middle zone, and the</u>

<u>second user data area extends beyond the middle zone to a remainder of the first layer,</u>

<u>and wherein approximately half of the user data stream is written to each of the first and</u>

<u>third user data areas, and substantially none of the user data stream is written to the</u>

<u>second and fourth user data areas</u>.

22.(Currently Amended) A recording device for recording a <u>user</u> data stream on a

dual layer recordable disk having a first layer and a second layer, a lead-in zone, a <u>user</u>

data area for recording user data and a lead-out zone, the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining

an actual optimum writing power, said Optimum Power Control procedure being performed

in an OPC-area in ~~the data area, the location of the OPC-area in~~ <u>a middle zone that</u>

separates the user data area into a first user data area and a second user data area, a

location of the middle zone depending on an amount of data in the user data stream to be

written on the ~~disc~~ disk;

means for writing the user data stream on the dual layer ~~disc~~ disk using the

determined optimum writing power,

wherein the first user data area extends from the lead-in zone of the first layer to the

middle zone, and the second user data area extends beyond the middle zone to a

remainder of the first layer, and substantially none of the user data stream is written to the

second user data area.

23.(Currently Amended) The method of claim 1 wherein the ~~information~~ user data

stream to be recorded is substantially equally divided between the first layer and the

second layer.

24.(Currently Amended) The method of claim 1 wherein the ~~first layer contains a~~

~~first data area containing approximately half the data stream and a~~ first and second middle

~~area~~ areas that contains none of the user data stream, ~~and the second layer contains a~~

~~second data area containing the balance of the data stream, and a second middle area~~

~~containing none of the data stream,~~ and the first and second middle areas are

approximately equal in size and approximately coextensive, and the first and ~~second~~ third

user data areas are approximately equal in size and approximately coextensive.

25.(Currently Amended) The method of claim 1 wherein the ~~disc~~ disk has a data

size and the user data stream has a data size that is substantially less than the data size of

the ~~disc~~ disk and the difference in the data size of the user data stream and the data size of

the ~~disc~~ disk results in unused data area of the ~~disc~~ disk, and the unused data area is

divided approximately equally between ~~a first unused~~ the second user data area of the first

layer and ~~a second unused~~ the fourth user data area of the second layer, and the ~~unused~~

second user data area of the first layer is approximately coextensive with the ~~unused~~ fourth

user data area of the second layer.

Claim 26 (Canceled)

27.(Currently Amended) The method of claim 1 wherein ~~the disk comprises:~~

~~a lead-in zone, a fist data zone, and a first middle zone in a first layer; and~~

~~a second middle zone, a second data zone, and a lead-out zone in a second layer;~~

and

~~wherein the disk is a write once disc, and~~ a data size of the ~~stored~~ user data stream

stored on the dual layer recordable disk is variable ~~between disks~~, and ~~the~~ a size and

location of the lead-out area is independent of the data size ~~of the stored data stream~~.

28.(Currently Amended) A recording method for recording a user data stream on a

dual layer recordable-disc disk, the disc-disk having a first layer with a lead-in zone and a

first user data zone and a second layer with a second user data zone and a lead out area,

the method comprising performing an Optimum Power Control (OPC) procedure for

determining an actual optimum writing power, said Optimum Power Control procedure

being performed in an OPC-area on the-disc disk, wherein the Optimum Power Control

procedure is performed in an OPC-area variably located on at least one of the layers of the

duel-dual layer-disc disk, and wherein the OPC-area is in the first or second data zones and

outside of the area to be recorded with the data stream a middle zone, the user data

stream being written in portions of the first and second data zones using the determined

optimum write power, the middle zone separating one of the first user data zone and the

second user data zone into two areas including a third user data zone, wherein

substantially none of the user data stream is written to the third user data zone.

29.(Currently Amended) A recording device for recording a user data stream on a

dual layer recordable-disc disk, the disc-disk having a first layer with a lead-in zone and a

first user data zone and a second layer with a second user data zone and a lead out area,

the device comprising:

means for performing an Optimum Power Control (OPC) procedure for determining

an actual optimum writing power, said Optimum Power Control procedure being performed

in an OPC-area on the ~~disc~~ disk, wherein the Optimum Power Control procedure is

performed in an OPC-area variably located on at least one of the layers of the ~~duel~~ dual

layer ~~disc~~ disk, and wherein the OPC-area is in ~~the first or second data zones and outside~~

~~of the area to be recorded with the data stream~~ a middle zone; and

means for writing the user data stream in portions of the first and second data zones

on the dual layer ~~disc~~ disk using the determined optimum writing power,

wherein the middle zone separates one of the first user data zone and the second

user data zone into two areas including a third user data zone, wherein substantially none

of the user data stream is written to the third user data zone.